

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO. 3:10-cr-00522 |
| |) | |
| |) | JUDGE JAMES G. CARR |
| |) | |
| Plaintiff, |) | |
| |) | <u>MOTION TO CONTINUE TRIAL</u> |
| v. |) | |
| |) | |
| ALEX COOK, |) | |
| |) | |
| Defendant. |) | |

Now comes Defendant, by and through counsel, and hereby requests a continuance of the Trial currently scheduled in this matter for June 28, 2011.

The reason for this motion is that undersigned counsel is in need of additional time to substantively prepare for additional potential witnesses and review materials that have not yet been delivered to counsel. This request is made in the interest of justice and not for needless delay. The Speedy Trial Act, codified at 18 U.S.C. § 3161 et seq., allows for a continuance in situations where the ends of justice so warrant. The statute, 18 U.S.C. § 3161(h)(8)(A) excludes from the speedy trial clock

any period of delay, resulting from a continuance granted by any judge . . . at the request of the defendant or his counsel . . . , if the judge granted such a continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. []

Counsel states, unequivocally, that this delay is not based upon a lack of due diligence by counsel for Defendant. The continuance will ensure effective assistance of counsel and

protection of Mr. Cook's constitutional rights.

Wherefore, for the foregoing reasons, Defendant Alex Cook, through counsel, requests that the Trial scheduled for June 28, 2011 be continued.

Respectfully submitted,

s/ Donna M. Grill

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2011 a copy of the foregoing Motion to Continue Trial Hearing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Donna M. Grill

Donna M. Grill
Attorney for Defendant